

REMARKS

After entry of the present Amendment, claims 3-20 remain in the application, with claims 3, 10 and 18 in independent form. Claims 3, 7, 13, 15 and 19 have been amended with claim 3 including the limitations of cancelled claim 1. Claims 1 and 2 are cancelled without prejudice.

Claim Objections:

Claim 19 is objected because the term "great" appeared to be a typo of the term "greater." Applicant concurs and has amended claim 19 accordingly.

Drawing Objections:

The drawings are objected to under 37 C.F.R. 1.83(a) because they allegedly do not show the claimed subject matter.

With regards to the second aperture (62) that receives the wedge member (54), Figure 1 clearly illustrates this feature, with the enlarged portion (94) of aperture (62).

With regards to the aperture (68) and associated enlarged portion (70) of claim 6, this is clearly illustrated in Figure 1.

Claim Rejections - 35 USC § 112:

Claims 2 and 15-17 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention due to the term "selectively associated" for claim 2 and the term "wherein aperture includes" for claim 15.

Claim 2 is cancelled without prejudice, hence the rejection is moot.

With regards to claim 15, claims 13 and 15 are amended to further specify which aperture is which. Particularly, the aperture in claim 15 is the second aperture first

introduced in intervening claim 13. Claims 15-17 are now believed to be in a condition for allowance.

Claim Rejections - 35 USC § 102:

Claims 1-13, 18 and 19 are rejected under 35 USC § 102(e) as being anticipated by Li et al. US 2005/0199087.

The rejection with regards to cancelled claims 1 and 2 is moot.

With regards to claims 3-4, 7, 10 and 18, the linking member (22) moves linearly in response to tilting movement (17) of the tilt housing (16). In Li '087, the alleged linking member (20) does not move linearly at all and is merely a motor shaft that rotates.

In further regards to amended claim 7, the linking member (22) moves linearly through the aperture (52). In contrast, the motor shaft (20) of Li, does not move through the alleged aperture but simply is supported in it for rotation.

Consequently, claims 3-4, 7, 10 and 18 are not anticipated by Li '087.

With regards to claims 5, 6, 8, 9 and 12-17, the wedge member (54) is located between the upper steering column jacket (14) and the linking member (22). Moreover, the wedge member (54) is movable to a locked position that urges the linking member (22) and the upper steering column jacket (14) away from one another and in a direction transverse to the linear movement of the linking member (22).

The Office Action is generally silent with respect to the rejection of claim 5, however, the alleged wedge member (A) of Li '087 is actually a fastener or bolt used to assemble various components of the Li steering column and has nothing to do with the locking operation of the invention at issue. Furthermore, the alleged wedge member (A) of Li does not urge the alleged linking member (20) away from the upper steering column

jacket (14). In fact, any transverse biasing force placed upon the rotating motor shaft (20) of Li would cause the motor to wear or break.

Consequently, claims 5, 6, 8, 9 and 12-17 are not anticipated by Li '087.

With regards to claim 11 and 18, the first end (24) of the linking member (22) is connected adjustably to the tilt housing (16). In Li '087, the alleged distal end of the motor shaft (20) is not connected to anything (see Figure 4 where the distal end of the motor shaft is shown free of threads yet resides in the threaded channel (22)).

Consequently, claims 11 and 18 are not anticipated by Li '087.

Claim Rejections - 35 USC § 103:

Claims 14-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Li et al, US 2005/0199087 in view of Burke, U.S. Patent 4,179,137. The applicant respectfully traverses the rejection.

The alleged lower steering column jacket (12) of Burke '137 is not a jacket surrounding a steering column at all, but is a part of the vehicle structure for supporting the column. Thus, neither Li '087 or Burke '137 have a telescoping lower steering column jacket with a third aperture. Moreover, the alleged lower steering column jacket (12) of Burke '137 would actually be the upper steering column jacket if it were a jacket. Applicant respectfully refers the Examiner to Figure 2 that illustrates the outer support tube (32) as the alleged lower steering column jacket.

Because the references do not teach or suggest, individually or in combination, the third aperture in a lower steering column jacket, claims 14-17 are non-obvious and patentable over Li '087 in view of Burke '137.

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Li et al, US 2005/0199087 in view of Cymbal et al, U.S. Patent 5,669,270. The Applicant respectfully traverses the rejection.

The alleged notch in Cymbal '270 is carried by shaft (34) of the actual steering column and not a separate linking member of a locking device. The notch in Cymbal '270 is designed to promote simultaneous rotation between the inner shaft (34) and the outer shaft (36) during steering operation (see col. 2, lines 27-50). The notch carried by the linking member (22) of claim 20 is required not to enhance movement but prevent movement of member (22), and not rotational movement but linear movement.

Because the references do not teach or suggest, individually or in combination, the notch of the present application, claim 20 is non-obvious and patentable over Li '087 in view of Cymbal '270.

Summary

Applicant's attorney respectfully submits that the claims as amended are now in a condition for allowance and respectfully requests such allowance. If any additional fees are necessary to respond to the outstanding Office Action, you are hereby authorized to charge such fees to Deposit Account No. 08-2789 in the name of Howard & Howard.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

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Date

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